

FILED

DEC 07 2015

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DANNY JONES,

Petitioner,

v.

STATE OF CALIFORNIA,

Respondent.

No. C 13-01717 EJD (PR)

**ORDER DENYING MOTION FOR
EXTENSION OF TIME**

(Docket No. 19)

On July 3, 2013, the Court dismissed the action because Petitioner did not file a federal petition and there was no case or controversy over which the Court may exercise jurisdiction. (See Docket No. 12.) The Court dismissed the action without prejudice to Petitioner filing a new action. (Id.)

Over two years later on November 9, 2015, Petitioner filed a motion requesting a “court order for extention of dead-line & toll my time [*sic*].” (Docket No. 19.) However, as Petitioner has been advised several times before, he must first file a petition pursuant to 28 U.S.C. § 2254 before the Court can decide whether such a petition merits tolling. Accordingly, Petitioner’s application for an enlargement of time is DENIED. In the event that Petitioner files a federal habeas petition, the matter will be opened as a new action with a new case number, and Petitioner shall be subject to applicable filing fees.

1 The Clerk shall enclose two copies of the court's form petition and the court's In
2 Forma Pauperis Application with a copy of this order to Petitioner. No further filings
3 shall be accepted in this matter.

4 This order terminates Docket No. 19.

5
6 DATED: 12/4/15



EDWARD J. DAVILA
United States District Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANNY JONES,
Plaintiff,

v.

SAN QUENTIN STATE PRISON, et al.,
Defendants.

Case No. 5:13-cv-01717-EJD

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 12/7/2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Danny Jones ID: AA-4707
Folsom State Prison
P. O. Box 715071
Represa, CA 95671

Dated: 12/7/2015

Susan Y. Soong
Clerk, United States District Court

By: Elizabeth C. Garcia
Elizabeth Garcia, Deputy Clerk to the
Honorable EDWARD J. DAVILA

United States District Court
Northern District of California